

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

*Plaintiffs,*

Civil Action No. 3:24-cv-01098

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

*Defendants.*

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as

Sussex County Clerk; TAHESHA WAY, Esq., in her  
official capacity as Secretary of State for New Jersey.

*As Interested Parties.*

**AMICUS CURIAE BRIEF OF JOE COHN, STACI BERGER, JAMES SOLOMON,  
VALERIE VAINIERI HUTTLE, AND RAVI BHALLA IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION**

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*and Ravi Bhalla*

### **INTEREST OF AMICUS CURIAE**

The *amicus curiae* on this brief have each run, contemplated running, and/or are currently running for office in Democratic Party primaries across the State of New Jersey. As such, they have each had direct experience with the “county line” (hereinafter, “Line”) system at issue in this case. As described below and supported by the attached Declarations of each *amicus*, their experiences tie directly to the specific factual allegations in Plaintiffs’ Motion for Preliminary Injunction. *See* Plaintiffs’ Brief in Support of Motion for Preliminary Injunction (the “Motion”), ECF No. 5. In particular, they have each encountered the negative Line effects of the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for the same office/Ballot Siberia,” and/or “forced association” described in Plaintiffs’ Motion. *See* Motion at 6-12. The *amici* do not submit this brief as an endorsement or signal the disapproval of any of the parties to this litigation. The sole interest of the *amici* is ensuring that New Jersey primary elections be, and be perceived as, fair and democratic.

### **BIOGRAPHICAL BACKGROUND**

Joe Cohn is currently a candidate for the Democratic party nomination for the Third Congressional District of New Jersey. *See* Declaration of Joe Cohn in Support of Amicus Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttel, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Cohn Decl.”) ¶ 1.

Staci Berger is currently serving her second term as a member of the Middlesex County Democratic Organization representing Piscataway’s Ward 3, District 9. *See* Declaration of Staci Berger in Support of *Amicus* Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttel, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Berger Decl.”)

¶ 4. Ms. Berger has twice been a candidate for a Ward Council seat on the Piscataway Township Council. *Id.* ¶¶ 8, 14.

James Solomon is a Jersey City Councilmember. *See* Declaration of James Solomon in Support of Amicus Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttie, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Solomon Decl.”) ¶ 1. In 2020 and 2023, Mr. Solomon campaigned for candidates in the Democratic primaries for Hudson County. *Id.* ¶ 2.

Valerie Vainieri Huttie served in the State Assembly for over fifteen (15) years as the Assemblywoman for District 37. *See* Declaration of Valerie Vainieri Huttie in Support of Amicus Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttie, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Huttie Decl.”) ¶ 2. Elected 2005, and holding the seat through 2020, Ms. Huttie worked to get landmark bills passed and served in various leadership positions including Deputy Speaker of the Assembly. *Id.* ¶¶ 2-6. In 2021, Ms. Huttie competed in the Democratic Primary for State Senate. *Id.* ¶ 7.

Ravi Bhalla is currently serving as Mayor of Hoboken and has previously served as a Hoboken Councilmember for two terms. *See* Declaration of Ravi Bhalla in Support of Amicus Brief of Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttie, and Ravi Bhalla in Support of Plaintiffs’ Motion for Preliminary Injection (“Bhalla Decl.”) ¶¶ 1-2. In 2015, Mr. Bhalla explored a run for the State Assembly. *Id.* ¶ 2.

### **ARGUMENT**

Each of the *amici*, through their involvement in Democratic primaries as detailed above, has firsthand experience with the negative Line effects of the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for

the same office/Ballot Siberia,” and/or “forced association” as described in Plaintiffs’ Motion. Motion at 6-12.

- Mr. Cohn is currently experiencing the “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for the same office/Ballot Siberia,” and “forced association” as he continues his primary campaign for State Assembly. Cohn Decl. ¶¶ 26-28. His Declaration describes his recent attempts to work within the Line system; his unsuccessful attempt to obtain the Line in Monmouth County due to very late changes to the application process that precluded even his consideration by that county’s Democratic Party Committee; his unsuccessful attempt to obtain the Line in Mercer County due to actions and omissions of that county’s Democratic Party Committee; and the resulting costs in time and money he has experienced. *Id.* ¶¶ 4-28.
- Ms. Berger experienced the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for the same office/Ballot Siberia,” and “forced association” during both of her candidacies for Ward Council seat on the Piscataway Township Council. *See* Berger Decl. ¶¶ 8-17. In her first election, Ms. Berger was faced with “forced association” when she was made to choose whether or not to run on a “bracket” with a candidate for the State Senate competing with Senator Menendez or to run as a disadvantaged “unbracketed candidate.” *Id.* ¶¶ 11-12. When she decided against the association, finding it antithetical to her campaign, she suffered from being placed in “Ballot Siberia” with a full column gap between her and the candidate placed on the Line. *Id.* As a result, she lost the election to a candidate who benefited from the “weight of the line” which

contained U.S. Senator Menendez and U.S. Congressman Frank Pallone. *Id.* In her second election, Ms. Berger lost to a new candidate who been recruited by the Piscataway Democratic Organization and who benefited from the “primacy effect” of being listed first on the ballot. *Id.* ¶¶ 14-16.

- Mr. Solomon has personally seen how the “weight of the Line,” the “primacy effect,” and the “disadvantage for unbracketed candidates,” effects Democratic primaries and the advantage gained by the candidates award the Line. *See* Solomon Decl. ¶ 1. During his campaigning for candidates in Hudson County in the 2020 and 2023 Democratic primaries, Mr. Solomon was continually told by voters that the Line caused them to believe that only those candidates on the Line were Democrats and that any candidate not appearing on the Line was running as a Republican or Independent. *Id.* ¶ 2.
- Ms. Huttie suffered the negative effects of the “weight of the Line,” the “primacy effect,” and the “disadvantage for unbracketed candidates,” during her 2021 campaign for State Senate. *See* Huttie Decl. ¶ 7. When the Committee Chair for the Democratic Committee of Bergen County, who is the *de facto* selector of which candidates get the line in Bergen County, choose to place Ms. Huttie’s competitor on the Line, she was forced to secure bracketing with other candidates to avoid Ballot Siberia. *Id.* ¶¶ 9-10. She further found herself having to battle against the ballot which gave the inaccurate impression that she was not associated with the Governor, and forced her to spend additional time and resources to clarify that she did in fact support all of the Democratic candidates on the line save her opponent in the primary. *Id.* Ms. Huttie also heard firsthand the confusion caused to voters who could not find her on

the ballot or did not understand what her not being on the Line said about her candidacy. *Id.* ¶ 11.

- Mr. Bhalla personally experienced the chilling effect of the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” has on candidates seeking to enter into a Democratic Primary. In 2015, Mr. Bhalla explored a run for the State Assembly. *See* Bhalla Decl. ¶ 2. However, Mr. Bhalla choose not to pursue this candidacy once it became apparent that the Hudson County Democratic Organization would not place him on the Line. Mr. Bhalla understood that not being placed on the Line represented a death knell to his candidacy before it even began in earnest. *Id.* ¶ 3.

In addition to witnessing the chilling effects of the Line system in primary elections, *amici* Mr. Solomon and Mr. Bhalla provide their personal experiences with block voting as a simple alternative. *See* Solomon Decl. ¶ 6-8; Bhalla Decl. ¶ 4. Both *amici* explain how in both Hoboken and Jersey City municipal elections, the use of block voting provides an ample alternative to the Line protecting the candidates against the negative externalities of the Line system and providing legitimacy at a time when cynicism about our elections is at an all-time high.

### **CONCLUSION**

The *amicus curiea* respectfully submits this brief in support of Plaintiffs’ motion for preliminary injunction.

Respectfully Submitted,

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